

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**VICKIE A. SMITLEY,  
Plaintiff,**

**v.**

**Case No. 2:06-CV-861  
JUDGE EDMUND A. SARGUS, JR.  
Magistrate Judge Mark R. Abel**

**NISSAN NORTH AMERICA, INC., et al.,  
Defendants.**


**ORDER**

On December 14, 2007, Defendants filed a Motion for Summary Judgment in this case. Plaintiff has failed to respond the motion. On February 7, 2008, the Court issued an Order directing Plaintiff to respond to the motion within fourteen days if she intended to pursue this action. (Doc. #26). No responsive filing has been made.

Accordingly, this case is **DISMISSED** without prejudice for failure to prosecute. The Clerk is **DIRECTED** to close this case and moot any pending motions.

**IT IS SO ORDERED.**

2-29-2008  
**DATE**

  
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**EDMUND A. SARGUS, JR.  
UNITED STATES DISTRICT JUDGE**